

BOARD MEMBERS

Dennis Lewis, President
John J. Bernabei, Vice President
Vicky Skaff, Secretary
*Everett Frazier **
*Chuck Jones**
Sam Kapourales
David Bowyer
*(*Public Member)*



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STAFF

Michael L. Goff,
Executive Director &
CSMP Administrator

John P. Smolder,
CFO/COO

Ryan L. Hatfield
General Counsel

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MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
SEPTEMBER 29 & 30, 2019

On September 29, 2019, the West Virginia Board of Pharmacy (“the Board”) convened at Pipestem Resort in Pipestem, West Virginia for the Board’s quarterly meeting and completed items one through six of the meeting agenda. On the following day, Monday, September 30, 2019, the Board reconvened to complete the meeting. The meeting was open to the public. For efficiency purposes, the minutes from both days have been combined into the present document.

Board Members present:

Dennis Lewis, President
John J. Bernabei, Vice President
Vicky Skaff, Secretary
Sam Kapourales
David Bowyer
Everett Frazier
Chuck Jones

Board Members not present:

N/A

Board Staff present:

Michael Goff, Executive Director and CSMP Administrator
John Smolder, CFO/COO
Ryan Hatfield, General Counsel
Krista Capehart, Director of Professional and Regulatory Affairs
Fred Wagoner, Investigator
Dave Lucas, Investigator
Donald Klamut, Inspector
Tom Robinette, Chief Inspector
Patrick Regan, Inspector
Steve Boykin, Inspector

Public present September 29, 2019:
Bridgett Lambert, WVRA

Public present September 30, 2019:
Bridgett Lambert, WVRA
Jason Neal, Walmart
Jessica Adams, Telepharm
Lindsay Acre, UCSOP

On each of the two days, President Lewis called the meeting to order and stated that a quorum was present. The agenda for the meeting had previously been posted on the Board's website and made available through the Board's office. The meeting was opened with a prayer.

1. The first item the Board took up was approval of the Board Minutes for the June 2nd & 3rd Board meeting and the July 26th Board meeting. Motion was made by Board Member Jones to accept the minutes. The motion was seconded by Board Member Frazier and passed unanimously.
2. Director Goff gave a brief Board office update, that included status of the adjacent property, office records retention process and mentioned various interactions and communications with BRIM, DEA and other groups regarding Board business. Director Goff also discussed the recent legal actions against various physicians and pharmacists. Board Member Bowyer motioned to accept the report. The motion was seconded by Board Member Skaff and passed unanimously.
3. The Chief Financial Officer next gave his report. Mr. Smolder gave FY2018 and FY2019 Year End Summaries then a FY2020 Year to Date Summary along with FY 2019 YTD comparison. Mr. Smolder then followed with the cash balance along with reports that are provided on a quarterly basis. Mr. Smolder also stated that BOP created a Safety Committee that will meet Quarterly to discuss safety issues and recommendations then present to the Board. Board Member Bowyer motioned to accept the report. The motion was seconded by Board Member Jones and passed unanimously.
4. The General Counsel then gave his report. Mr. Hatfield stated that all discipline is up to date. Mr. Hatfield stated that all but two rules had passed out of the Joint Legislative Review Committee. Mr. Hatfield then discussed a CBD facility he had recently toured in Kentucky. Board Member Skaff motioned to accept the report. The motion was seconded by Board Member Kapourales and passed unanimously.
5. The Director of Professional and Regulatory Affairs next gave her report. Dr. Capehart reported on the updates to the Tobacco Access Act Protocol and the Hormonal Contraception Protocol. She presented her contract report and the newsletters posted for June and September 2019. Finally, she discussed website updates. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Kapourales and passed unanimously.
6. Motion was made by Board Member Bowyer to enter Executive Session. The motion was seconded by Board Member Jones and passed unanimously.
7. The recommendations of the Complaint Committee were presented in Executive Session. The recommendations were accepted. The Board accepted the revocation recommendation for David Wasanyi as a result of the Hearing Examiner's findings and conclusions of law. The Board found probable cause to pursue discipline in the following cases: 2018-08-39;

2019-04-21; 2019-04-22; 2019-04-23; 2019-05-30; 2019-05-33; 2019-06-36; and 2019-07-39 and 40; Board Member Skaff recused herself from all discussion and voting for cases 2019-04-25 and 2019-05-31. Motion was made by Board Member Bowyer to accept the Complaint Committee recommendations. The motion was seconded by Board Member Frazier and passed unanimously.

8. The Chief Inspector then gave the Inspector's Report. Mr. Robinette stated that there have been 179 inspections since the last Board Meeting. Mr. Robinette stated that he and Inspector Klamut attended the NABP meeting to review MPJE questions. Mr. Robinette also stated that the Board's inspection form had been revised. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Bernabei and passed unanimously.
9. The Executive Director/CSMP Administrator then gave the CSMP report. Director Goff gave an update of new products being created by the Board epidemiologists, including new data mapping reports and an interactive data dashboard. A number of other CSMP related projects were also discussed, including collaborations with Marshall University, the CDC and others. Motion to accept the report was made by Board Member Jones. The motion was seconded by Board Member Bowyer and passed unanimously.
10. A presentation was then given by the University of Charleston regarding naloxone waivers. A copy of the presentation is attached hereto. Motion was made Board Member Skaff to allow for the two waivers. The motion was seconded by Board Member Kapourales and passed. Board Member Bowyer abstained from voting.
11. The following pharmacy technician training programs were presented: Fruth Pharmacy; White Hall Pharmacy; Fritz's Pharmacy; Eppy Drug Store; Kroger Pharmacy; and Ashworth College. Motion was made by Board Member Skaff to approve all training programs presented. The motion was seconded by Board Member Frazier and passed unanimously.
12. The following collaborative practice programs were presented: Angela Goodhart and Megan Adelman. Motion was made by Board Member Skaff to approve the programs pending proof of insurance. The motion was seconded by Board Member Bernabei and passed unanimously.
13. Director Goff then presented a pharmacy technician trainee application for Crystal Garza. Motion was made by Board Member Bowyer to deny the application. The motion was seconded by Board Member Kapourales and passed unanimously.
14. The Legislative Committee then gave an update. The discussion included the following: USP rules; pursuing provider status; expansion of immunizations; naloxone distribution; updating the collaborative practice provisions in code and rule; e-prescribing; expanding protocols; and moving Sativex to Schedule V pending FDA approval. Motion was made by Board Member Kapourales to move forward with the Legislative Committee's initiatives and to support moving Sativex to Schedule V pending FDA approval. The motion was seconded by Board Member Skaff and passed unanimously.
15. The next quarterly Board meeting was scheduled for December 15 & 16, 2019. The meeting is to be held at the Board office in Charleston, West Virginia.

Vicky Skaff, Secretary
West Virginia Board of Pharmacy

Dennis Lewis, President
West Virginia Board of Pharmacy